

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

PET SILK, INC.,

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*Plaintiff,*

VS.

CIVIL ACTION H-06-2465

MARIA JACKSON AND ROBERT JACKSON, BOTH  
D/B/A MJM COMPANY, LLC, AND  
D/B/A MJM ENTERPRISES, AND  
D/B/A PETSILK ONLINE, INC., AND  
D/B/A PETSIKONLINE.COM,

### *Defendants.*

## ORDER

Pending before the court is Pet Silk, Inc.’s motion to allow alternative service pursuant to rule 4(e). Dkt. 14. Federal Rule of Civil Procedure 4(e) allows service “pursuant to the law of the state in which the district court is located.” FED. R. CIV. P. 4(e)(1). Pet Silk moves the court to allow service under Texas Rule of Civil Procedure 106(b)(2). Rule 106(b)(2) allows alternative manner of service if the plaintiff identifies the defendant’s principal place of residence or usual place of business, and shows by affidavit that it has attempted service unsuccessfully. TEX. R. CIV. P. 106(b). Having reviewed the motion, the affidavits, and the applicable law, the court finds that Pet Silk has complied with the requirements of Rule 106(b). Accordingly, the motion for alternative service is GRANTED.

It is ORDERED that the plaintiff shall effect service either by leaving a copy of the citation, complaint, and this order with someone sixteen years of age or older at the defendants' principal place of residence, or by posting a copy of the citation, complaint, and this order on the front door

or gate of the defendant's principal place of residence as identified in the plaintiff's supporting affidavit. *See* TEX. R. CIV. P. 107 & 108; *Dolly v. Athos Comm. Sys.*, 10 S.W.3d 384, 388-89 (Tex.App.—Dallas 2000, no pet.).

It is so ORDERED.

Signed at Houston, Texas on December 19, 2006.

Gray H. Miller  
United States District Judge